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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,600	10/29/2003	Jeffrey F. Hatalsky	5957-63700	6849
35690 7590 05/31/2011 MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398				
EXAMINER SHIBRU, HELEN				
ART UNIT 2484		PAPER NUMBER		
NOTIFICATION DATE 05/31/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent_docketing@intprop.com
ptomhkk@gmail.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/696,600

Applicant(s)

HATALSKY ET AL.

Examiner

HELEN SHIBRU

Art Unit

2484

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 April 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(g).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-6,8-13 and 15-24.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/HELEN SHIBRU/
Examiner, Art Unit 2484

Continuation of 11, does NOT place the application in condition for allowance because:

The newly added claims, 23-24, limitations can be found in claims 1 and 8. Therefore claims 23-24 are rejected for same reasons. With response to Applicants argument of the limitation "a processing element ... configured to monitor traffic", the Examiner respectfully disagrees.

Guedalia discloses the user does not have to wait for all the data to arrive in order to interact with the object, nor does the client computer have to do the intense processing to render the VRML database into bitmaps (see col. 26 lines 41-45). According to this statement, note, all the data do not arrive at the same time.

The invention operates by receiving the viewing parameters from the user, rendering the corresponding image on the server into a raster bitmap image, encoding the bitmap into progressive partial frames and inserting them into a two-dimensional server data base (see col. 26 lines 19-24).

The encoded data within the server database is continually streamed from server to client, enabling the client to begin viewing a low quality image as soon as the first partial frame data arrives (see col. 26 lines 23-26). According to this statement, the prior art teaches, the client begin viewing a low quality image, i.e. only one partial frame data is viewed by the client at first, the client didn't wait till all the data to arrive in order to interact with the object.

The streaming simply continues in the background, and the quality of the image on the client side is enhanced as additional partial frames integrated (see col. 26 lines 33-35).

Therefore the prior art teaches monitoring traffic because it clearly teaches all the partial frames do not arrive at once, but gradually or one at a time and the user does not have to wait till all the data to arrive at once. Streaming traffic is controlled or monitored and the image quality is enhanced gradually.

Further see also col. 20 lines 43-46 where the prior art teaches the client CPU can decompress 30 compressed frames into full frames every second. The player does not slow down when bandwidth is slow. Hence even if user selects low bandwidth the prior art teaches decompressing frames in every second.

Guedalia further recites in claim 5 that compressing video into a series of data blocks (referring to first and second video data) each block comprising a sequence of encoded frames, and the successive blocks are integrated together. See also claim 16 where the prior art claims data blocks together to reconstruct appropriate version of the content. See also figures 5 and 7 which show distinct blocks.

Therefore the prior art of Guedalia teaches the claimed fetching' first and second dynamically-determined extents of frame data for a first and second sets of progressively-encoded video data where the second sets of progressively-encoded video data is distinct from the first set of video data.

In view of the above, the Examiner believes that the applied prior art of Guedalia in fact teaches the claimed invention for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made final.

Guedalia teaches, the user stays focused on a single view, in other words the user is paused on a single view or spending time on a single view. See at least col. 26 line 36.

Guedalia teaches additional frames stream in when the user stays focused on a single view. See at least col. 26 lines 26-28.

Please see the final Office Action.